

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASON WINTERS,

Plaintiff,  
-against-

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 7/21/2020

19 CIVIL 7271 (MKV)

THE CITY OF NEW YORK, WARDEN KISA  
SMALLS, and WARDEN SHERMA DUNBAR,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated July 21, 2020, Plaintiff asserts in his Complaint a right to access the courts to pursue an Article 78 proceeding that was apparently unrelated to his confinement and which the Court cannot link to any conviction. No such right exists. Moreover, New York substantive law would bar the Article 78 proceeding, even if Plaintiff had been able to file it. Thus, the claim was frivolous. In addition to these deficiencies, Plaintiff has failed to allege facts that plausibly would impose liability on either the City of New York or the individual defendants. As a result, Defendants' Motion to Dismiss is GRANTED; accordingly, this case is closed.

**Dated:** New York, New York

July 21, 2020

**RUBY J. KRAJICK**

BY:

**Clerk of Court**  
*kmarg*  
**Deputy Clerk**